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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,156	12/31/2001	Reem Safadi	GIC-659	9344
20028	7590	12/27/2005		
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			EXAMINER CANGIALOSI, SALVATORE A	
			ART UNIT 3621	PAPER NUMBER
DATE MAILED: 12/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,156

Applicant(s)

SAFADI, REEM

Examiner

Salvatore Cangialosi

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9,15,16,18-22,24-27,34,35,37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9,15,16,18-22,24-27,34,35,37 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3621

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-3, 5-9, 15,16, 18-22, 24-27, 34,35, and 37-38 are rejected under 35 U.S.C. § 103 as being unpatentable over Ginter et al(5910987) in view of Lai et al(6593860).

Regarding claim 1, Ginter et al(Intertrust)(See Figs. 2,2A,35-39, 66 77 and 79 , Cols. 9 and 10, Col. 162, lines 5-67, Col. 163, lines 1-25) disclose a method for digital rights management including a virtual distribution environment where content is obtained from a plurality of content creators by a rights distributor , modified and changed therein to be in usable format by a content user including decryption and re-encryption with the same or different keys substantially as claimed. The differences between the above and the claimed invention are the use of a specific format changes and the meaning of DRM schemes

Art Unit: 3621

both native and associated. It is further noted that there is no requirement that the DRM schemes be different and distinct. They could be the same and employ the same or different keys. It is noted that the content user must be able to use the digital content in a format compatible with the user equipment that would be functionally equivalent to the claim limitations. Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding of stored content to match the format employed by the user. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ginter et al because the plurality of content sources is made compatible with the user format through the rights distributor. Regarding the transcoding limitations of claim 2, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding of stored content to match the format employed by the user which are conventional functional equivalents of the claim limitations. Regarding network limitations of claim 3, Ginter et al (Intertrust) (See Figs. 2, 2A, 35, 77 and 79, Cols. 9 and 10) disclose a method for digital rights management including a virtual distribution environment where content is obtained from a plurality of content creators by a rights distributor, modified and changed therein to be in usable format by a content user over different networks which is a conventional functional equivalent of the claim limitations. Regarding the content limitations of claim 5, Lai

Art Unit: 3621

et al (See abstract, Figs. 1, 5B, 6, Col. 1 , lines 45-50, Col. 3, lines 1-25) show the transcoding of streaming media that are conventional functional equivalents of the claim limitations. Regarding receiver limitations of claim 6, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding for a multiplicity of receiving means(Col. 7, lines 15-50) that is conventional functional equivalent of the claim limitations. Regarding copy protection limitations of claim 7, Ginter et al(Intertrust)(See elements 522 and 556) disclose a method for digital rights management including encryption that is conventional functional equivalent of the claim limitations. Regarding the format limitations of claim 8, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding in all types of form including XML(Col. 23, lines 10-15) which is a conventional functional equivalent of the claim limitation. Regarding video limitations of claim 9, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding for a video receiving means(Col. 7, lines 15-50) that is the conventional functional equivalent of the claim limitations. Regarding consumer limitations of claims 15-16, 18, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding for a multiplicity of consumer receiving means(Col. 7, lines 15-50) and media players that is conventional functional equivalent of the claim limitations. Regarding protection limitations of

Art Unit: 3621

claim 19, Ginter et al (Intertrust) (See elements 522 and 556) disclose a method for digital rights management including encryption that is conventional functional equivalent of the claim limitations. Regarding claim 20, Ginter et al (Intertrust) (See Figs. 2, 2A, 35-39, 66 77 and 79 , Cols. 9 and 10, Col. 162, lines 5-67, Col. 163, lines 1-25) disclose a means for digital rights management including a virtual distribution environment where content is obtained from a plurality of content creators by a rights distributor , modified and changed therein to be in usable format by a content user including decryption and re-encryption with the same or different keys substantially as claimed. The differences between the above and the claimed invention are the use of a specific format changes and the meaning of DRM schemes both native and associated. It is further noted that there is no requirement that the DRM schemes be different and distinct. They could be the same and employ the same or different keys. It is noted that the content user must be able to use the digital content in a format compatible with the user equipment that would be functionally equivalent to the claim limitations. Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding of stored content to match the format employed by the user. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ginter et al because the plurality of content sources is made compatible with the user

Art Unit: 3621

format through the rights distributor. Regarding the transcoding limitations of claim 21, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding of stored content to match the format employed by the user which are conventional functional equivalents of the claim limitations.

Regarding network limitations of claim 22, Ginter et al (Intertrust) (See Figs. 2, 2A, 35, 77 and 79 , Cols. 9 and 10) disclose a method for digital rights management including a virtual distribution environment where content is obtained from a plurality of content creators by a rights distributor , modified and changed therein to be in usable format by a content user over different networks which is a conventional functional equivalent of the claim limitations. Regarding the content limitations of claim 24, Lai et al (See abstract, Figs. 1, 5B, 6, Col. 1 , lines 45-50, Col. 3, lines 1-25) show the transcoding of streaming media that are conventional functional equivalents of the claim limitations. Regarding receiver limitations of claim 25, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding for a multiplicity of receiving means (Col. 7, lines 15-50) that is conventional functional equivalent of the claim limitations. Regarding copy protection limitations of claim 26, Ginter et al (Intertrust) (See elements 522 and 556) disclose a method for digital rights management including encryption that is conventional functional equivalent of the claim limitations. Regarding the format limitations of

Art Unit: 3621

claim 27, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding in all types of form including XML(Col. 23, lines 10-15) which is a conventional functional equivalent of the claim limitation. Regarding consumer limitations of claims 34-35,37, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding for a multiplicity of consumer receiving means(Col. 7, lines 15-50) and media players that is conventional functional equivalent of the claim limitations. Regarding protection limitations of claim 38, Ginter et al(Intertrust)(See elements 522 and 556) disclose a method for digital rights management including encryption that is conventional functional equivalent of the claim limitations.

Examiner's Note: Although Examiner has cited particular columns, line numbers and figures in the references as applied to the claims above for the convenience of the applicant(s), the specified citations are merely representative of the teaching of the prior art that are applied to specific limitations within the individual claim and other passages and figures may apply as well. It is respectfully requested that the applicant(s), in preparing the response, fully consider the items of evidence in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Applicants arguments dated 12/12/2005 have been considered

Art Unit: 3621

but are not persuasive. It is further noted that there is no requirement that the DRM schemes be different and distinct. They could be the same and employ the same or different keys. The argument relies on a specific meaning of scheme. Whenever Ginter et al adds or changes rights, he changes the management *scheme*. When Ginter et al changes the rights management so that it can work on a user device, he changes the management *scheme*. *Within the plain meaning of scheme, Ginter et al changes its scheme dependent on user and source.*

3. Claims 1-3, 5-9, 15,16, 18-22, 24-27, 34,35, and 37-38 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 20 are vague and indefinite. The terms "scheme or native" are ambiguous terms which render the claims indefinite. Are the DRM schemes different and distinct? Could the schemes be the same and could they employ the same or different keys? The terms "scheme or native" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number **(571) 272-6927**. The

Serial Number: 10/039,156

9

Art Unit: 3621

examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at **(571) 272-6712**.

Any response to this action should be mailed to:

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Serial Number: 10/039,156

10

Art Unit: 3621

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Salvatore Cangialosi
SALVATORE CANGIALOSI
PRIMARY EXAMINED
ART UNIT 222